

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDGAR AGUILERA ESPINOSA,

Defendant.

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8:03CR564

ORDER

This matter is before the court on the oral motion to continue trial by the defendant Edgar Aguilera Espinosa (Espinosa) made at the conclusion of a suppression hearing on August 11, 2005. Upon inquiry by the court, Espinosa agreed to the motion and understood the additional time required by the motion would be excluded from computations under the Speedy Trial Act. Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Espinosa's oral motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **November 15, 2005**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 11, 2005 and November 15, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS FURTHER ORDERED:

Counsel for the United States shall confer with defense counsel and electronically file a status report **no later than November 1, 2005**, advising the court of the anticipated length of trial.

DATED this 11th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge